

Officer History

Officer Name: Woodard, Brett

Tax ID: 958175

Sex: M

Shield: 27829

Race: Hispanic

Rank: POM

Command: 295

DOB: [REDACTED]

Appt Date: 01/07/2015

Age: [REDACTED]

Tenure: 6

CCRB #	Report Date	Incident Date	Allegation	Disposition	NYPD Disposition	NYPD Penalty	Command
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
201802218	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			073
	03/21/2018	03/09/2018	Discourtesy - Word	Unsubstantiated			073
	03/21/2018	03/09/2018	Discourtesy - Action	Unsubstantiated			073
	03/21/2018	03/09/2018	Abuse - Refusal to provide name/shield number	Unsubstantiated			073
	03/21/2018	03/09/2018	Abuse - Threat of force (verbal or physical)	Unsubstantiated			073
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
201901440	02/18/2019	02/15/2019	Abuse - Search (of person)	Unsubstantiated			073
201903672	04/30/2019	04/17/2019	Abuse - Failure to provide RTKA card	Substantiated (Command Lvl Instructions)	Instructions	Instruction	073
	04/30/2019	04/17/2019	Abuse - Vehicle stop	Unsubstantiated			073
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
201911001	12/23/2019	12/04/2019	Abuse - Frisk				295
	12/23/2019	12/04/2019	Abuse - Threat of force (verbal or physical)				295
	12/23/2019	12/04/2019	Abuse - Refusal to obtain medical treatment				295
Total Charges = 18				Total Cases = 9			

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Emily Devaney	Team: Squad #1	CCRB Case #: 201903672	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wed, 04/17/2019 1:30 AM	Location of Incident: Livonia Avenue between Bristol Street and T [REDACTED] S Boyland Street	Precinct: 73	18 Mo. SOL 10/17/2020	EO SOL 6/3/2021	
Date/Time CV Reported Wed, 04/17/2019 2:54 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 04/30/2019 11:04 AM		

Complainant/Victim	Type	Home Address
1. N [REDACTED] M [REDACTED]	Comp/Victim	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM B [REDACTED] M [REDACTED]	[REDACTED]	[REDACTED]	073 PCT
2. POM F [REDACTED] T [REDACTED]	[REDACTED]	[REDACTED]	073 PCT
3. POM T [REDACTED] T [REDACTED]	[REDACTED]	[REDACTED]	073 PCT
4. POM Brett Woodard	27829	958175	073 PCT

Officer(s)	Allegation	Investigator Recommendation
A . POM P ■■■ T ■■■	Abuse of Authority: Police Officer P ■■■ T ■■■ stopped the vehicle in which N ■■■ M ■■■ was an occupant.	A . Unsubstantiated
B . POM Brett Woodard	Abuse of Authority: Police Officer Brett Woodard stopped the vehicle in which N ■■■ M ■■■ was an occupant.	B . Unsubstantiated
C . POM B ■■■ M ■■■	Abuse of Authority: Police Officer B ■■■ M ■■■ stopped the vehicle in which N ■■■ M ■■■ was an occupant.	C . Unsubstantiated
D . POM T ■■■ T ■■■	Abuse of Authority: Police Officer T ■■■ T ■■■ stopped the vehicle in which N ■■■ M ■■■ was an occupant.	D . Unsubstantiated
E . POM P ■■■ T ■■■	Abuse of Authority: Police Officer P ■■■ T ■■■ frisked N ■■■ M ■■■	E . Exonerated
F . POM P ■■■ T ■■■	Abuse of Authority: Police Officer P ■■■ T ■■■ searched the vehicle in which N ■■■ M ■■■ was an occupant.	F . Exonerated
G . POM Brett Woodard	Abuse of Authority: Police Officer Brett Woodard searched the vehicle in which N ■■■ M ■■■ was an occupant.	G . Exonerated
H . POM B ■■■ M ■■■	Abuse of Authority: Police Officer B ■■■ M ■■■ searched the vehicle in which N ■■■ M ■■■ was an occupant.	H . Exonerated
I . POM P ■■■ T ■■■	Abuse of Authority: Police Officer P ■■■ T ■■■ failed to provide N ■■■ M ■■■ with a business card.	I . Substantiated
J . POM Brett Woodard	Abuse of Authority: Police Officer Brett Woodard failed to provide N ■■■ M ■■■ with a business card.	J . Substantiated
K . POM B ■■■ M ■■■	Abuse of Authority: Police Officer B ■■■ M ■■■ failed to provide N ■■■ M ■■■ with a business card.	K . Substantiated
L . POM T ■■■ T ■■■	Abuse of Authority: Police Officer T ■■■ T ■■■ failed to provide N ■■■ M ■■■ with a business card.	L . Substantiated

Case Summary

On April 17, 2019, N ■ M ■ filed this complaint with Sgt. K ■ of PSA1 who notified IAB of this complaint. IAB forwarded this complaint to the CCRB where it was received on April 30, 2019.

On April 17, 2019, at approximately 1:30 a.m., Mr. M ■ was driving at the intersection of Livonia Avenue and Bristol Street in Brooklyn when Police Officers P ■ T ■ Brett Woodard, B ■ M ■ and T ■ T ■ all from the 73rd Precinct, pulled him over (**Allegations A-D: Abuse of Authority, unsubstantiated**). PO T ■ told Mr. M ■ to exit the car, which he did. PO T ■ frisked Mr. M ■ (**Allegation E: Abuse of Authority, exonerated**). PO T ■ PO M ■ and PO Woodard searched Mr. Martin's vehicle (**Allegations F-H: Abuse of Authority, exonerated**). Neither PO T ■ PO Woodard, PO M ■ nor PO T ■ provided Mr. M ■ with a business card (**Allegations I-L: Abuse of Authority, substantiated**). Mr. N ■ was neither arrested nor summonsed.

The investigation obtained body-worn camera (BWC) videos from PO T ■ PO M ■ and PO T ■ (Board Review 01-03). PO Woodard's BWC had a hardware malfunction at the time and did not record this incident, per the Information Technology Bureau (Board Review 17).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer P ■ T ■ stopped the vehicle in which N ■ M ■ was an occupant.

Allegation (B) Abuse of Authority: Police Officer Brett Woodard stopped the vehicle in which N ■ M ■ was an occupant.

Allegation (C) Abuse of Authority: Police Officer B ■ M ■ stopped the vehicle in which N ■ M ■ was an occupant.

Allegation (D) Abuse of Authority: Police Officer T ■ T ■ stopped the vehicle in which N ■ M ■ was an occupant.

Mr. M ■ testified that he was driving for Uber when he noticed an unmarked vehicle with tinted windows behind him when he was stopped at the intersection of Chester Street and Livonia Avenue (Board Review 04-06). Mr. M ■ suspected the vehicle was a police car because only police cars are permitted to have tinted windows. Mr. M ■ made a left turn onto Livonia Avenue, taking care to follow all traffic rules including using his turn signal. At the intersection of Livonia Avenue and Bristol Street, the police vehicle turned on its emergency lights. Mr. M ■ promptly pulled over. PO T ■ PO Woodard, PO M ■ and PO T ■ approached Mr. Martin's vehicle. Mr. M ■ was not arrested or issued a summons at the conclusion of this incident. Mr. M ■ did not have any passengers at the time.

PO T ■ PO M ■ and PO T ■ all testified that they observed Mr. M ■ fail to use his turn signal when he turned onto Livonia Avenue from Chester Street (Board Review 05-07). None of the officers suspected Mr. M ■ of committing any other violation or crime. PO T ■ PO M ■ and PO T ■ stated that the officers decided collectively to stop Mr. M ■ to address the traffic violation, and no other reason. PO T ■ PO M ■ and PO T ■ all stated that they did not issue Mr. M ■ a summons because they used their discretion and gave Mr. M ■ a warning.

PO Woodard did not recall this incident (Board Review 08).

The officers' BWC videos do not show whether Mr. M ■ used his turn signal (Board Review 01-03). However, PO T ■ told Mr. M ■ that his signal was not working, as shown at the 7:30 timestamp of his BWC (Board Review 03).

Given the discrepant testimony and the lack of additional evidence, the investigation was unable to determine if Mr. M■■■■ failed to use his turn signal. Therefore, it is recommended that **Allegations A-D** be closed as **unsubstantiated**.

Allegation (E) Abuse of Authority: Police Officer P■■■■ T■■■■ frisked N■■■ M■■■

Allegation (F) Abuse of Authority: Police Officer P■■■■ T■■■■ searched the vehicle in which N■■■ M■■■ was an occupant.

Allegation (G) Abuse of Authority: Police Officer Brett Woodard searched the vehicle in which N■■■ M■■■ was an occupant.

Allegation (H) Abuse of Authority: Police Officer P■■■■ M■■■ searched the vehicle in which N■■■ M■■■ was an occupant.

Mr. M■■■ provided two phone statements and a verified statement (Board Review 04-06). Mr. Martin's statements were mostly consistent, except where noted below.

Mr. M■■■ testified that he pulled over his car, a Ford Expedition, and rolled down the front windows (Board Review 04-06). PO T■■■■ approached Mr. M■■■ at the driver's window and asked for his license and registration. As Mr. M■■■ turned to procure the documents from his center console, PO T■■■■ told him to step out of the car. Mr. M■■■ exited the vehicle. PO T■■■■ remarked that the car smelled like marijuana. Mr. M■■■ told PO T■■■■ that he did not want the officers to search his car. PO T■■■■ instructed Mr. M■■■ to stand behind the car, and Mr. M■■■ complied. PO T■■■■ and PO Woodard searched Mr. Martin's car. Mr. M■■■ did not know specifically where PO T■■■■ and PO Woodard searched since Mr. M■■■ was facing away from his car. When Mr. M■■■ was permitted to return to the driver's seat, Mr. M■■■ saw an officer open the rear hatch and search the trunk of the car in the rearview mirror.

Mr. M■■■ stated over the phone that at the time there was a clear plastic bag in the center console that contained either tobacco or marijuana (Board Review 04). Mr. M■■■ did not know what was inside since the bag was not his, but a prior passenger's.

During his verified statement, however, Mr. M■■■ stated that the bag did not contain marijuana; rather it contained one brown tobacco leaf and "Bob Marley" cigarette papers (Board Review 05). Mr. M■■■ stated that there was no marijuana in his car. Mr. M■■■ denied ever smoking marijuana in his car or that any passengers ever smoked in his car.

The BWC videos from PO T■■■■ PO M■■■ and PO T■■■■ showed that PO T■■■■ told Mr. M■■■ to step out of the car and then frisked Mr. M■■■ around his waist and down his legs (Board Review 01-03). PO T■■■■ BWC showed that PO T■■■■ and PO Woodard entered the driver's seat and front passenger seat areas, respectively (Board Review 01). At the 2:15 minute-mark of the player's timestamp, PO Woodard picks up a plastic bag in the center console. PO Woodard tells PO T■■■■ "Marijuana in here." PO T■■■■ replies, "Yeah, that's what I saw in the center console in plain view." PO T■■■■ and PO Woodard then searched the rear seats. When he finished searching, PO T■■■■ tells Mr. M■■■ to go back into the car, which Mr. M■■■ does.

PO M■■■ BWC video showed that after Mr. M■■■ returned to the driver's seat, PO M■■■ and PO Woodard searched the trunk of the car, beginning at the 5:30 minute-mark (Board Review 02). Neither PO M■■■ nor PO Woodard recovered anything from the trunk.

PO T■■■■ PO M■■■ and PO T■■■■ all testified that they each detected an odor of marijuana emanating from inside the vehicle immediately upon approach (Board Review 07-09).

PO T████ additionally stated that he shined his flashlight into the vehicle and saw a plastic bag with rolling papers in the center console (Board Review 07). PO T████ told Mr. M████ to step out of the vehicle because PO T████ suspected Mr. M████ of possessing marijuana and intended to search for the marijuana. PO T████ frisked Mr. M████ to ensure Mr. M████ did not have any weapons on his person for the safety of the officers. PO T████ and PO Woodard searched the vehicle because they believed there was marijuana in Mr. Martin's car. PO T████ recovered a small amount of marijuana in a clear plastic bag from the center console.

PO M████ testified that he opened the hatch and searched the trunk because he detected the odor of marijuana (Board Review 08). PO M████ stated that his search was a continuation of PO T████ and PO Woodard's search of the vehicle.

PO T████, PO M████ and PO T████ all testified that the bag of marijuana was returned to Mr. M████ and that no law enforcement action was taken in regard to the marijuana (Board Review 07-09). PO T████, PO M████ and PO T████ stated that they all decided to not issue Mr. M████ a summons for marijuana per their discretion.

PO Woodard testified that he did not recall this incident (Board Review 10). PO Woodard reviewed PO T████ and PO M████ BWC videos and concluded that he must have detected the odor of marijuana at the time.

The investigation determined that there was marijuana in the vehicle at the time based on a preponderance of the evidence.

The smell of marijuana is sufficient to provide officers with probable cause to search an automobile and its occupants, according to People v. Chestnut, 43 A.D.2d 260 (Board Review 11).

Given that marijuana was present in the vehicle, and that the officers testified that they detected the odor of marijuana, PO T████, PO M████ and PO Woodard had probable cause to search Mr. M████ and his vehicle. PO T████ was justified in frisking Mr. M████ because PO T████ was justified in conducting a more intrusive search of Mr. M████ and his vehicle. Therefore, it is recommended that **Allegations E-H** be closed as **exonerated**.

Allegation (I) Abuse of Authority: Police Officer P████, T████ failed to provide N████, M████ with a business card.

Allegation (J) Abuse of Authority: Police Officer Brett Woodard failed to provide N████, M████ with a business card.

Allegation (K) Abuse of Authority: Police Officer B████, M████ failed to provide N████, M████ with a business card.

Allegation (L) Abuse of Authority: Police Officer T████, T████ failed to provide N████, M████ with a business card.

It is undisputed that neither PO T████, PO M████, PO T████ nor PO Woodard provided Mr. M████ with a business card during this incident.

PO T████ testified that he may not have had business cards with him at the time because he may not have received them (Board Review 07). Additionally, PO T████ stated that the only time officers were required to provide individuals with business cards is if the individual requests a card.

PO M████ testified that he did not know if he had business cards at the time of incident (Board Review 08). PO M████ stated that he is required to provide an individual with a business card when one is requested or when PO M████ prepares a stop report.

PO T [REDACTED] testified that while he had business cards with him at the time, he did not give Mr. M [REDACTED] a business card because encounters with probable cause do not require the officer provide a business card (Board Review 09).

PO Woodard testified that he had business cards with him at the time (Board Review 10). PO Woodard did not give Mr. M [REDACTED] a business card because vehicle stops did not require officers to provide the driver with a business card.

The investigation determined that PO T [REDACTED] and PO M [REDACTED] had been issued business cards at the time of incident because the Right to Know Act went into effect nearly six months prior on October 19, 2018, and PO T [REDACTED] and PO Woodard, from the same command, had business cards at the time.

According to the New York City Administrative Code §14-174, an officer shall offer a business card to the person who is the subject of a frisk, search of person, or search of property, including vehicles, when no summons is issued (Board Review 12).

Given that Mr. M [REDACTED] was the subject of a frisk and vehicle search and did not receive a summons, PO T [REDACTED] PO M [REDACTED] PO T [REDACTED] and PO Woodard were required to provide Mr. M [REDACTED] with business cards. Therefore, it is recommended that **Allegations I-L** be closed as **substantiated**.

Civilian and Officer CCRB Histories

- N [REDACTED] M [REDACTED] has been party to one additional CCRB complaint and has been named as a victim in three allegations (Board Review 13):
 - 201800398 involved allegations of vehicle stop, threat of summons, and vehicle search. All allegations were closed as substantiated.
- PO P [REDACTED] T [REDACTED] has been a member of service for six years and has been a subject in five CCRB complaints and five allegations, none of which were substantiated. PO T [REDACTED] CCRB history does not reflect any apparent pattern pertinent to this investigation (Board Review 14).
- PO B [REDACTED] M [REDACTED] has been a member of service for nine years and has been a subject in two CCRB complaints and three allegations, of which two were substantiated (Board Review 14):
 - 201102448 involved substantiated allegations of stop and question against PO M [REDACTED]. The Board recommended Charges, and the NYPD imposed no penalty.
 - PO M [REDACTED] CCRB history does not reflect any patterns pertinent to this investigation.
- PO T [REDACTED] T [REDACTED] has been a member of service for six years and has been a subject in two CCRB complaints and two allegations, none of which were substantiated. PO Taverna's CCRB history does not reflect any patterns pertinent to this investigation (Board Review 14).
- PO Brett Woodard has been a member of service for five years and has been a subject in eight CCRB complaints and 16 allegations, none of which were substantiated. PO Woodard's CCRB history does not reflect any patterns pertinent to this investigation (Board Review 14).

Mediation, Civil and Criminal Histories

- N [REDACTED] M [REDACTED] declined to mediate this complaint.
- As of February 7, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this complaint (Board Review 15).
- According to the Office of Court Administration (OCA), between November 15, 2013 and March 25, 2020, N [REDACTED] M [REDACTED] was convicted of disorderly conduct (once), driving with a suspended license (three times), and soliciting in the transit system (once). Mr. M [REDACTED] received varying amounts of imprisonment and fines. OCA does not list any other convictions (Board Review 16).

Squad No.: 1

Investigator: _____

Signature _____ Print Title & Name _____ Date _____

Squad Leader: Mgr. Joy Almeyda _____ 4.23.20
Signature Print Title & Name Date

Reviewer: _____

Signature Print Title & Name Date